

501.38166CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. IWASAKI et al
Serial No.: 10/824,442
Filed: April 15, 2004
For: STATIC INDUCTION TRANSISTOR, METHOD OF
MANUFACTURING SAME AND ELECTRIC POWER
CONVERSION APPARATUS
Group: 2815
Examiner: N. RICHARDS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

January 19, 2007

Sir:

In response to the Office Action dated October 2, 2006, the period of response for which extension is requested by the attached Petition for Extension of Time, Applicants respectfully request reconsideration and allowance of this application for the reasons set forth below.

In paragraph 1 of the Office Action, priority under 35 USC §120, claimed by the applicants, has been refused. The reason for this refusal is set forth as lack of copendency between the filing of the present application on April 15, 2004 and the end of the third-month period subsequent to the expiration of the shortened statutory period of two-months set by the Notice to File Missing Parts dated September 15, 2003 (that is, February 15, 2004). Accordingly, the Office Action states that the parent application Serial No. 09/485,295 had

become abandoned as of February 16, 2004, approximately two-months before the filing of the present application. Applicants respectfully traverse this conclusion and request reconsideration and the granting of the Claim for Priority under 35 USC §120 regarding the parent application for the reasons which follow.

With regard to the parent application, it is noted that the two-month time period for reply set in the September 15, 2003 Notice to File Missing Parts is actually permitted to be extended for a period of five months under the provisions of MPEP §710.02(d) (entitled Difference Between Shortened Statutory Periods for Reply and Specified Time Limits). As set forth in MPEP §710.02(d):

“The two-month time period for reply to a Notice to File Missing Parts of an Application is not identified on the Notice as a statutory period subject to 35 USC §133. Thus, extensions of time of up to five (5) months under 37 CFR §1.136(a), followed by additional time under 37 CFR §1.36(b), when appropriate, are permitted.”

In light of this indication in the MPEP that a five month extension is permitted with regard to the two-month time period set for reply to a Notice to File Missing Parts, it is respectfully submitted that the Petition for Extension of Time filed on April 15, 2004 was, indeed, a proper request for a five month Extension of Time. With regard to this, it is noted that the April 15, 2004 Petition for Extension of Time specifically stated:

“Applicants hereby respectfully petition for an extension of time to permit filing of a response within a fifth month time period subsequent to the expiration of the shortened statutory period set in the outstanding Notice to File Missing Parts mailed September 15, 2003.”

It is also noted that the appropriate fee of \$2,010 for this fifth-month extension was provided with the Petition for Extension of Time.

In summary on this point, inasmuch as MPEP §710.02(d) specifically authorizes a five-month extension of time for the two-month time period for reply to a Notice to File Missing Parts, and inasmuch as the April 15, 2004 Petition for Extension of Time specifically requested and paid for a five-month extension, the parent application Serial No. 09/485,295 did not become abandoned until April 16, 2004. Thus, the filing of the present application Serial No. 10/824,442 on April 15, 2004 was prior to abandonment of the parent application and establishes copendency between the present continuation application and its parent application Serial No. 09/485,295. Accordingly, the granting of the priority to the parent application under 35 USC §120, and, correspondingly, both the U.S. filing date of Feb. 8, 2000 and the PCT Priority Date of September 9, 1998, is respectfully requested.

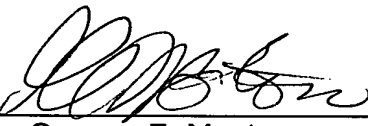
Upon the granting of the priority dates noted above, reconsideration and removal of the rejection of claims 1, 3, 6 and 12 as being anticipated under 35 USC §102(b) by the Iwo 00/14809 document is also respectfully requested. The Iwo document has a publication date of March 16, 2000. This is subsequent to the U.S. filing date of the parent application Serial No. 09/485,29 5 of February 8, 2000, as well as subsequent to the PCT filing date of September 9, 1998. Therefore, it is respectfully submitted that the Iwo reference is not available as a reference under 35 USC §102(b), and, correspondingly, removal of this rejection is earnestly solicited, together with allowance of claims 1, 3, 6 and 12.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the

Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 501.38166CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

Gregory E. Montone
Reg. No. 28,141

GEM/dks

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666